

## CITATION - LONG ARM STATUTE

JONATHAN WAYNE ALLEN

8th Judicial District Court

VERSUS

Parish of Winn

PORTFOLIO RECOVERY ASSOCIATES, LLC

State of Louisiana

Docket Number: 43475

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To: PORTFOLIO RECOVERY ASSOCIATES, LLC  
Via the Louisiana Longarm Statute  
120 Corporate Blvd., Ste. 100  
Norfolk, VA 23502

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You are hereby summoned to comply with the demand contained in the Petition of which a true and correct copy accompanies this citation, or make an appearance either by filing an Answer or other pleading to said Petition, in the 8th Judicial District Court in and for the Parish of Winn, State of Louisiana, within thirty (30) days after the service hereof, under penalty of default.

This service was issued in accordance with state law by the Clerk of Court on the 8th day of NOVEMBER, 2012 .

\* Also attached are the following documents:  
PETITION FOR DAMAGES

  
Deputy Clerk of Court for  
Donald E. Kelley, Clerk of Court

JONATHAN WAYNE ALLEN, DISTRICT COURT 8TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO.: 43475

PORTFOLIO RECOVERY ASSOCIATES, LLC Kym M. Williams PARISH OF WINN

STATE OF LOUISIANA

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**PETITION FOR DAMAGES**

The Petition of JONATHAN WAYNE ALLEN ("Plaintiff"), a person of the full age of majority and a resident of and domiciled in Winn Parish, State of Louisiana, who respectfully represents that:

I.

Made defendant herein is PORTFOLIO RECOVERY ASSOCIATES, LLC, a foreign limited liability company with its domicile in the State of Delaware, and registered to and doing business as a collection agency within the State of Louisiana.

II.

Venue is proper in the Parish of Winn, State of Louisiana, as this is the parish where the wrongful conduct occurred and where the damages were sustained.

III.

Within the past year, Defendant has attempted to collect certain alleged debts allegedly owed by the Plaintiff, including, but not limited to, the following:

- First Consumers National Bank, Account No. 5421160100149808
- Capital One Bank, Account No. 4121741273860093

IV.

Plaintiff specifically avers that each of the alleged debts listed in Paragraph III have prescribed and that he is no longer indebted for those amounts nor may an action for those amounts be maintained.

V.

Defendant violated and continues to violate the provisions of the Federal *Fair Debt Collection Practices Act* (15 USC 1692, *et seq*) by engaging in the following, nonexclusive acts:

- A. Defendant, through its agents or employees acting in the course and scope of their employment, attempted to annoy, abuse, or harass Plaintiff by repeatedly and continually attempting to place telephone calls to plaintiff's residence.

- B. Defendant, through its agents or employees acting in the course and scope of their employment, repeatedly and continually misrepresented the nature and legal status of the debt by stating that Plaintiff was liable for said debt in both written correspondence and telephonic conversations.

VI.

Defendant violated and continues to violate the provisions of the Louisiana *Unfair Trade Practices and Consumer Protection Law* (La R.S. 13:1401, *et seq*) by engaging in unfair methods of competition and unfair or deceptive acts or practices, namely by engaging in the following, nonexclusive acts:

- A. Defendant, through its agents or employees acting in the course and scope of their employment, attempted to annoy, abuse, or harass Plaintiff by repeatedly and continually attempting to place telephone calls to plaintiff's residence.
- B. Defendant, through its agents or employees acting in the course and scope of their employment, repeatedly and continually misrepresented the nature and legal status of the debt by stating that Plaintiff was liable for said debt in both written correspondence and telephonic conversations.
- C. Defendant, through its agents or employees acting in the course and scope of their employment, attempted to coerce plaintiff into making payments on the alleged debt thereby acknowledging the debt and interrupting prescription on an action to recover said debt. (Plaintiff again reiterates that the debts set forth in Paragraph III are no longer valid or actionable.)

VII.

Plaintiff shows that as a result of the conduct of Defendants, Plaintiff has suffered physical pain and suffering, mental pain and suffering, emotional damage, worry and stress, lost wages, impairment of future earning, damages to personal, business and professional reputation, damages to his credit rating and score, damages to past, present and future employment and business opportunities, loss of enjoyment of life, and other damages to be shown at the trial of the case.

VIII.

Plaintiff shows that as a result of the conduct of Defendant, Plaintiff is entitled to recover statutory damages of \$1,000 per violation of the *Fair Debt Collection Practices Act*, as well as actual damages, costs, and attorney's fees under Louisiana and Federal law.

IX.

Plaintiff shows that the amount in controversy exceeds the threshold amount for a jury trial set forth in La. C.C.P. art. 1732, and that he is therefore entitled to a trial by jury. Plaintiff specifically requests a trial by jury in this matter.

WHEREFORE, Plaintiff prays that PORTFOLIO RECOVERY ASSOCIATES, LLC be cited and served, and after due proceedings had, there be judgment herein in favor of your Plaintiff, JONATHAN WAYNE ALLEN, and against the defendants PORTFOLIO RECOVERY ASSOCIATES, LLC for damages as are reasonable in the premises, together with legal interest, cost, and all other just and equitable relief to which he may be entitled.

Respectfully submitted,

GATES LAW FIRM, L.L.C.



J. KEITH GATES (Bar No. 31,171)

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Winnfield, Louisiana 71483

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Email: Keith@keithgateslaw.com

**COUNSEL FOR JONATHAN ALLEN**

PLEASE SERVE:

PORTFOLIO RECOVERY ASSOCIATES, LLC

*Via the Louisiana Longarm Statute*

120 Corporate Blvd., Ste. 100

Norfolk, VA 23502

JONATHAN WAYNE ALLEN

VERSUS

PORTFOLIO RECOVERY  
ASSOCIATES, LLC

\* 8TH JUDICIAL DISTRICT COURT

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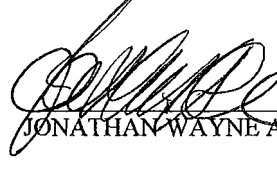
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**AFFIDAVIT OF VERIFICATION**


State of Louisiana


Parish of Winn

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, personally appeared JONATHAN WAYNE ALLEN who, after being by me duly sworn, said that he has read the above-captioned petition, and all of the allegations of fact contained therein are true and correct, to the best of his knowledge, information, and belief.

  
JONATHAN WAYNE ALLEN

SWORN TO AND SUBSCRIBED, before me, this 31<sup>st</sup> day of Oct, 2012.

  
NOTARY PUBLIC  
Justin K. Gates  
LA Bar #31171  
Commission for Life

ATTEST: A TRUE COPY  
  
KIM M. SULLIVAN  
8TH JUDICIAL DISTRICT COURT  
PARISH OF WINN, LOUISIANA